

FARMINGTON CITY
PLANNING COMMISSION MEETING
August 20, 2015

REGULAR SESSION

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Bret Gallacher, Kent Hinckley and Dan Rogers, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Heather Barnum and Alex Leeman, and Community Development Director David Petersen were excused.*

Item #1. Minutes

Brett Anderson made a motion to approve the Minutes from the August 6, 2015 Planning Commission meeting. **Brett Gallacher** seconded the motion which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the August 18, 2015 City Council meeting. He said the City Council agreed with the Planning Commission's recommendation for the approval of the Zone Text Amendment for open space in PUDs; it was approved by the City Council. The City Council also approved the final plats for Miller Meadows Conservation Subdivision Phase VI and the Farmington Park Conservation Subdivision Phase II.

SUBDIVISION APPLICATION

Item #3. Bruce Bassett (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Eagle Cove Conservation Subdivision consisting of 17 lots on 6.02 acres located at approximately 1100 West and Glover Lane in an AA (Agriculture Very Low Density) zone. (S-28-15)

Eric Anderson showed the aerial map of the property. He explained the property is located in the AA zone which is the lowest density zone in the City with a minimum of 10 acre lots. If an applicant were to apply for a conservation subdivision, the minimum lot size is still 5 acres on a yield plan; however, the proposed project consists of 3 buildable parcels which yields a total of 3 lots. The applicant is requesting an additional 14 lots by TDR. The proposed average lot size for the 17 lots is 13,000 sq. ft. The proposed development also includes 2 flag lots. **Eric Anderson** said staff is proposing 2 alternative motions: Motion A includes the 2 flag lots and 14 TDR lots to allow for 17 total lots in the development, while Motion B removes the 2 flag lots decreasing the development to 15 lots total, 12 of which would be acquired through a TDR transaction. **Eric Anderson** also said that the applicant is not seeking an open space waiver; however, the TDR would be transferring open space to the regional park so it would count toward the applicant's open space requirement.

Dan Rogers asked if the applicant pays in cash or in property for the TDR lots. **Eric Anderson** said the applicant and City Manager enter into negotiations to determine payment, but often a significant portion of the payment is cash.

Eric Anderson said it's also important to note that the applicant will also be improving the west side of 1100 West which will include curb, gutter and sidewalk; the City will be improving the east side

of 1100 West the length of the park and the School District will also be improving the street on the east side the full length of the elementary school property.

Brett Anderson asked if the existing home located on the property will be removed. **Eric Anderson** said he is unsure if the home will be removed. The Commissioners expressed some concern with the flag lots as shown on the schematic plan. **Eric Anderson** reminded the Commission that flag lots are discretionary and that, if the Commission chooses, the schematic plan could be denied based on the flag lots.

Bruce Bassett, 1132 W. Glovers Ln, said he currently lives in the existing home and that home does fit within the corner lot in the proposed development. He explained a little bit about his situation. He said he purchased his "country home" 7 years ago not knowing about the City easement on 1100 W; he was mistakenly told the 30' easement was part of his property and was paying property taxes on it. Additionally, he was unaware 1100 W. was planned to be a major collector road which will turn his "country home" into a "city home." **Bruce Bassett** said he is working with his title company, First American, to determine what the exact devaluation cost of his home. He hopes that the proposed development will help him recoup his losses. He also explained that his septic tank is mostly in the path of the City easement and would most likely have to be removed once the road is developed; the City would not cover the cost of the septic tank which would leave him trying to recover the costs of his utilities.

Dan Rogers asked if the applicant feels the flag lots would be sellable. **Bruce Bassett** said he is hoping the flag lots will sell; however, other designs have been reviewed. He presented the Commission with another development design that consisted of 5 lots with a cul-de-sac in lieu of the 6 southeastern lots on the proposed schematic plan.

Brett Anderson asked if the applicant owns the lower square parcel and if the co-applicant owns the larger rectangular parcel. He wondered who would be directly impacted if the flag lots were not approved. **Bruce Bassett** said yes, he owns the lower square parcel and the co-applicant owns the rectangle. Mr. Bassett said if the flag lots were not approved, he would personally be financially impacted.

Eric Anderson explained the 1100 W. ROW has been dedicated since approximately 1850. At some point, someone erroneously sold the sliver of property with the overlying 30' ROW. It was not property that was to be sold, but it was. **Bruce Bassett** added that the 30' was sold to the previous owner so he estimates it occurred 15-20 years ago, but that he and the previous property owner have been paying property taxes on this 30' piece of property. **Eric Anderson** also said that 1100 W is planned to be an 80' major collector on the Transportation Master Plan; however, it may be reduced to a 66' minor collector if it is determined that is all that is needed. He said Mr. Bassett is not the only one dealing with this issue, but other property owners along 1100 W. are dealing with similar issues.

Rebecca Wayment asked for the exact location of the septic tank on the schematic plan. **Bruce Bassett** said to his knowledge the tank sits in the rose garden on the east side of his home with the drain-field extending beyond it. He said the drain-field most likely is located within the 30' easement which would enter the 80' major collector road, but that it may also enter the 66' minor collector as well.

Kent Hinckley asked for verification of the number on lots the new design Mr. Bassett presented to the Commission that included the cul-de-sac. **Bruce Bassett** said the design is one of many, but that if the flag lots were not approved, he would submit the new design of 5 lots in a cul-de-sac, but leave the

rectangle parcel as 11 lots as shown on the proposed schematic plan. He also said a cul-de-sac is more challenging financially as there is more curb, gutter, sidewalk and asphalt to be put in.

Bret Gallacher confirmed with staff that what was presented by the applicant is correct. **Eric Anderson** said yes, the ROW was erroneously sold when it was not to be sold, and yes, the septic tank is located in the ROW.

Rebecca Wayment opened the Public Hearing at 7:37 p.m.

Cacey Bowen, 196 N. 800 E., Bountiful, said he owns the property that borders 2 sides of the proposed development. He asked the following questions. First, he asked if sewer and water would be extended to Glovers Lane as it has not previously been available. Second, he asked how the Commission could address concerns that may arise from the development's property owners regarding the sights, sounds and smells from his horse property that is adjacent to the subdivision. With regards to sewer and water, **Eric Anderson** said it depends, as the current proposed schematic plan would bring the utilities around 1100 W and onto Glovers Ln to service Lot 17; however, if the cul-de-sac is approved, the lines would be brought into the cul-de-sac to service every lot. With regards to the sights and smells associated with horse property, **Eric Anderson** said notes have been placed on plats at the time of recordation, but that's as much as the City is able to do. **Cacey Bowen** said he is in favor of the development in hopes it will lessen the financial impact of his neighbor's circumstance and lessen some of the wrongs that have taken place.

Ralph Wilcox, 677 N. 500 E., Bountiful, said he grew up in Farmington and owns the acreage across from the property as well as 2 lots up. He asked about the location of the annexation line into Farmington as well as if a decision has been made concerning the West Davis Corridor (WDC). **Eric Anderson** and a few residents discussed the annexation line, but was determined that Mr. Wilcox is still located in the County. **Eric Anderson** said a final decision on the WDC has not been made, but the City must still accept applications and move forward until a decision is made. **Ralph Wilcox** also stated he is not opposed to this development.

Guy...., said he owns a lot west of Mr. Bassett. He said he is sympathetic to Mr. Bassett's circumstance and is in favor of the proposal. He also added that he feels flag lots are very sellable and he would not have a problem living on either of the proposed flag lots.

Michael Barnes, 659 Shirley Rae Dr., said he is also in favor of the proposed development. He said he also owns a lot that borders 1100 W. and is experiencing the same pain as Mr. Bassett as a result of the proposed 1100 W. road.

John Glenn, 856 Shirley Rae Dr., said he came to see what the proposed development looked like. He expressed concern and asked for verification that he would not have to hook to the sewer line if the development brought it closer to his property. **Eric Anderson** said the County Health Department would be able to answer that question. The Health Department regulations state that if a resident lives within a specific distance to a sewer line, they must hook up to it; however, **Eric Anderson** said he does not know the exact distance. **John Glenn** said he is in favor of the proposed development if he does not have to attach to the sewer line as they already have drain-field in place.

Todd Roland, said he owns a parcel located on Shirley Rae Dr. and Glovers Lane. He is in favor of this development.

Rebecca Wayment closed the Public Hearing at 7:55 p.m.

Rebecca Wayment asked staff if the Commission is able to consider the cul-de-sac design as an alternate plan since it was not what was submitted. **Eric Anderson** said schematic plan is conceptual; the Commission could enter the cul-de-sac design in as an exhibit and make a recommended motion based on it.

The Commissioners discussed the flag lots versus the cul-de-sac option. **Brett Anderson** reviewed the criteria for flag lots as found in the Ordinance. **Kent Hinckley** feels that the fact the owner presented another reasonable option (the cul-de-sac), the land can otherwise be developable without the flag lots.

Rebecca Wayment expressed concern with the flag lots and would like to avoid them if possible. She also expressed concern with the location of the development with respect to the WDC. She feels there was a lot of discussion concerning the placement of other housing developments as well as the elementary school and City park; the WDC was taken into account in each of these projects' placements. She said she would like to assist the applicant; however, she feels by approving this project, the City could be creating another larger problem. She does not feel comfortable moving forward with this development's approval.

Bret Gallacher agreed, but also stated that the Commission and City cannot deal in hypotheticals. He said the City has advised that they act as the land will stay and then deal with the WDC if/when it comes. **Brett Anderson** agreed; he added that the Planning Commission is a recommending planning body, but that this property owner also has rights to develop. **Rebecca Wayment** said she feels for Mr. Bassett's plight as he is stuck in a situation that is not his fault; however, approving this project could also mean future displacement of 30 homeowners which would then put all of them in a situation that is not their fault. She also expressed concern that so many property owners are fighting for low-density housing; however, the residents are now for lots that are approximately ¼ an acre. She does not feel this fits with the Master Plan and what is zoned for the area.

Bruce Bassett said he appreciated the comments and is also frustrated with the many "what-ifs" he has had to live with for the last few years. After consulting with an attorney, the City and even UDOT, it was determined that he can move forward with the proposed project as no decision has been made regarding the WDC. He said the latest status of the WDC is the consideration of the "Shared Solution," which is an attempt to argue that there is not a need for the WDC with the widening of roads and an increase to mass transit. The "Shared Solution" is under study; if it has enough "legs" to make it to the next level by "September-ish", then the whole EIS draft process will be pushed out another year. If the "Shared Solution" does not make it, then UDOT is free to move forward with their decision.

Bret Gallacher said he would like to again discuss the option of the cul-de-sac as he feels this is the best solution for the development. **Brett Anderson, Kent Hinckley** and **Dan Rogers** agreed. **Rebecca Wayment** said she is more comfortable with the cul-de-sac, but is still not okay with the overall development and its proximity to the possible WDC.

Eric Anderson asked for clarification as to the number of lots on the development's revised design. **Bruce Bassett** stated the revised design would include 11 lots located on the large rectangular parcel with an additional 5 lot cul-de-sac located on the square parcel.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend approval of the schematic plan for the Eagle Cove Subdivision, subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall revise the preliminary plat to show 16 total lots, 5 of those lots will be located on the south east parcel;
2. The applicant shall receive approval for 13 TDR lots by City Council concurrent with schematic plan approval;
3. The applicant shall address all outstanding DRC comments on preliminary plat;
4. The applicant shall provide a Sensitive Area Designation plan;
5. A note will be placed on the plat regarding the sights, smells and sounds associated with agricultural uses on adjacent properties.

Bret Gallacher seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed subdivision conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. The proposed development will aid the City in improving Glover Lane and 1100 West.
3. If 1 lot is removed, the densities requested are more consistent with the surrounding neighborhoods.
4. The two proposed flag lots do not meet any of the criteria as outlined in Section 12-7-010 of the Subdivision Ordinance regulating flag lots, and must therefore be removed.

CONDITIONAL USE APPLICATION

Item #4. Daniel Thurgood/Verizon Wireless (Public Hearing) – Applicant is requesting approval for a conditional use related to a new wireless tower (30' tall) on the Oakridge Country Club located at approximately at approximately 1492 Shepard Lane in an LS (Large Suburban) zone. (C-10-15)

Eric Anderson said this item is for a wireless communications tower. It a new design that is being rolled out. The tower has a smaller foot print, is only 30' tall, does not have the typical antenna and has a smaller power box and transformer. The tower will be located on the Oakridge Country Club golf course so the tower will be buffered from view from the road and the country clubhouse. Staff is recommending the Commission approve this conditional use.

Dakota Hawkes, 5710 Green St., Murray, said this tower is a new design for the whole Utah market. The smaller cell towers are a way for carriers to now reach places where they have not been able to before. He said the golf course was first to be considered as there were concerns with lack of cell coverage at its facility.

Dan Rogers asked if there were other considerations, other than coverage, as to why Oakridge Country Club would be comfortable allowing the placement of the tower on its golf course. **Dakota Hawkes** said they will be paid monthly for the leased spaced.

Brett Anderson asked if the new tower only allows for 1 antenna. **Dakota Hawkes** said yes, there would only be one antenna on top.

Rebecca Wayment opened the Public Hearing at 8:28 p.m.

No comments were received.

Rebecca Wayment closed the Public Hearing at 8:28 p.m.

Brett Anderson asked if an institutional use is a broad concept so the tower would be allowed under this use. **Eric Anderson** said in the past the country club has been interpreted as an institutional use because it functions similar to a park. **Brett Anderson** suggested that staff revisit this use and proposed a possible zone text change; he feels if there will be more mini-towers in the future, the City can be proactive in defining the smaller towers. The Commissioners agreed. **Kent Hinckley** asked if this type of tower would also be allowed in a commercial area. **Eric Anderson** reviewed the permitted and conditional uses for each zone and explained where the towers may be located within that use table.

The Commissioners and the applicant also discussed the color of the pole, but a definitive decision on it has not yet been made.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the conditional use permit for the placement of a 30' monopole wireless telecommunications tower on property located at approximately 1492 West Shepard Lane with the following conditions:

1. A coverage plan site specific to the applications shall be submitted by the applicant and approved by the Planning Commission prior to issuance of any building permit;
2. Any future poles shall be located in the area shall require a separate conditional use permit;
3. A building permit shall be submitted for the construction of the monopole, initial antenna array and each additional co-location antenna array, associate ground equipment, and any accessory buildings related thereto;
4. The monopole shall be limited to 30' as proposed in the plans;
5. The monopoles shall be fenced with a six (6) foot vinyl coated chain-link fence and other fencing as required or approved by the Planning Commission;
6. There shall be no climbing pegs located on the lower twenty (20) feet of the monopole;
7. All power lines leading to the accessory building and antenna structure shall be underground.

Kent Hinckley seconded the motion which was unanimously approved.

Findings:

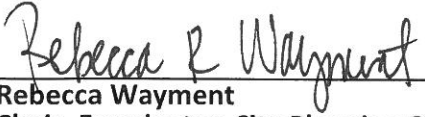
1. The proposed antenna is a new design, and will have a very low impact due to the reduction of size (both horizontal and vertical) as compared to the standard wireless telecommunication facilities.
2. The location of the antenna in the center of a golf course removes it from being visually intrusive and will mitigate any potential adverse effects on neighboring properties.
3. The proposed use of the particular location is necessary to provide a service or facility which will contribute to the general well-being of the community.
4. The proposed use complies with the regulations and conditions in the Farmington City ordinance for such use.
5. The proposed use conforms to the goals, policies, and governing principles of the Comprehensive General Plan for Farmington City.
6. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development.
7. Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available.

8. Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

ADJOURNMENT

Motion:

At 8:36 p.m., **Dan Rogers** made a motion to adjourn the meeting which was unanimously approved.



Rebecca Wayment
Chair, Farmington City Planning Commission